

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SOFTRAX CORPORATION,

Plaintiff,

v.

PATRICK RASICOT,

Defendant.

Civil Action No. 05-11789-JLT

DEFENDANT PATRICK RASICOT'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1, Defendant Patrick Rasicot ("Rasicot"), by his attorneys, Birnbaum & Godkin, LLP, hereby moves for summary judgment in his favor. In support of his Motion, Rasicot relies upon the accompanying Memorandum of Law and Statement of Undisputed Material Facts (together with supporting affidavits).

WHEREFORE, defendant Patrick Rasicot respectfully requests that the Court grant summary judgment in his favor, and, pursuant to Section 9 of the Agreement between the parties, award him fees and costs (including attorney's fees).

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1 and Federal Rule of Civil Procedure 56(c), Defendant Patrick Rasicot hereby requests oral argument on his Motion for Summary Judgment.

Dated: September 12, 2005

Respectfully submitted,

PATRICK RASICOT

By his attorneys
BIRNBAUM & GODKIN, LLP

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was delivered to all counsel of record on September 12, 2005, by electronic service.

/s/ Melissa M. Longo
Melissa M. Longo